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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of: **Koji NOZAKI et al.**

Group Art Unit: **1752**

Serial No.: **10/623,679**

Examiner: **Amanda C. Walke**

Filed: **July 22, 2003**

Confirmation No.: **5083**

For: **RESIST PATTERN THICKENING MATERIAL, RESIST PATTERN  
AND PROCESS FOR FORMING THE SAME, AND  
SEMICONDUCTOR DEVICE AND PROCESS FOR  
MANUFACTURING THE SAME**

Attorney Docket Number: **030891**

Customer Number: **38834**

**SUBMISSION OF SUBSTITUTE PAGE OF APPEAL BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

August 30, 2005

Sir:

Applicants submit herewith a substitute page of the Appeal Brief filed on July 25, 2005 in the above-identified U.S. patent application. An error occurred without deceptive intent in the appeal brief filed on July 25, 2005. Applicants requests to substitute page 7 of the Appeal Brief.

The paragraph beginning at page 7, line 7 of the appeal brief filed on July 25, 2005 has been corrected as follows:

In this respect, the compounds disclosed as the "light-absorbing ingredient" at col. 9, line 58 to col. 10, line 5 are not water-soluble. For example, disclosed "benzophenone" has a structure of (C<sub>6</sub>H<sub>5</sub>COC<sub>6</sub>H<sub>5</sub>), which is not water-soluble and whose non water-solubility is apparent from its chemical structure, which is also supported by Section 9 of the Evidence as attached. Thus, even the combination of the cited references does not make the claimed invention.

Submission of Substitute Page of Appeal Brief  
Serial No. 10/623,679  
Docket No. 030891

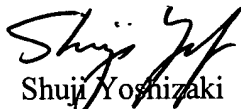
It is clear that the disclosed "benzophenone," having a structure of (C<sub>6</sub>H<sub>5</sub>COC<sub>6</sub>H<sub>5</sub>), is not water-soluble from the context of the argument,. This is also supported by Section 9 of the Evidence as attached.

Applicants herewith attach the marked-up version of the substitute page.

If any additional fees are due in connection with this submission, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

**WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP**



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Attachment: Substitute Page of the Appeal Brief (marked-up version and clean version)  
Limited Recognition

Q:\2003\030891\030891 submission of substitute page of appeal brief.doc

The same arguments are applied to claim 21.

(3) Claims 9-13 under 35 U.S.C. §103(a)

The Office Action dated January 25, 2005 rejected claim 9 further citing Sato et al. The Office Action discusses about Sato's "light-absorbing ingredient." Page 3, lines 7-19 of the Office Action dated January 25, 2005. However, the claimed water-soluble aromatic compound does not correspond to the Sato's "light-absorbing ingredient."

In this respect, the compounds disclosed as the "light-absorbing ingredient" at col. 9, line 58 to col. 10, line 5 are not water-soluble. For example, disclosed "benzophenone" has a structure of (C<sub>6</sub>H<sub>5</sub>COC<sub>6</sub>H<sub>5</sub>), which is not water-soluble and whose non water-solubility is apparent from its chemical structure, which is also supported by Section 9 of the Evidence as attached. Thus, even the combination of the cited references does not make the claimed invention.

### **VIII. CONCLUSION**

For the above reasons, appellants request that the Board of Patent Appeals and Interferences reverse the Examiner's rejections of claims 1-22.

The same arguments are applied to claim 21.

(3) Claims 9-13 under 35 U.S.C. §103(a)

The Office Action dated January 25, 2005 rejected claim 9 further citing Sato et al. The Office Action discusses about Sato's "light-absorbing ingredient." Page 3, lines 7-19 of the Office Action dated January 25, 2005. However, the claimed water-soluble aromatic compound does not correspond to the Sato's "light-absorbing ingredient."

In this respect, the compounds disclosed as the "light-absorbing ingredient" at col. 9, line 58 to col. 10, line 5 are not water-soluble. For example, disclosed "benzophenone" has a structure of (C<sub>6</sub>H<sub>5</sub>COC<sub>6</sub>H<sub>5</sub>), which is not water-soluble and whose non water-solubility is apparent from its chemical structure, which is also supported by Section 9 of the Evidence as attached. Thus, even the combination of the cited references does not make the claimed invention.

### **VIII. CONCLUSION**

For the above reasons, appellants request that the Board of Patent Appeals and Interferences reverse the Examiner's rejections of claims 1-22.